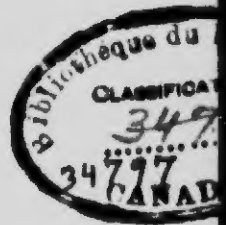


Can. P.
Case No 804

"The labourer is worthy of his hire."



THE JUDGES' SALARIES

SPEECH OF R. D. MCGIBBON, K.C. AT THE
ANNUAL DINNER OF THE BAR OF MONTREAL,
JANUARY 28TH, 1905.

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THE JUDGES' SALARIES.

SPEECH DELIVERED BY R. D. MCGIBBON, K.C., IN PROPOSING
THE TOAST TO "OUR GUESTS" AT THE ANNUAL DINNER OF
THE BAR OF MONTREAL, SATURDAY, JANUARY 28TH, 1905.

MR. MCGIBBON said :

Mr. Batonnier, My Lords and Gentlemen,

The Toast which we annually offer to "Our Guests" attains an additional importance this evening.

Their Lordships, the Judges, once more emphasize, by their presence at our yearly banquet, the cordiality and fraternity of the relations between the Bench and Bar, and we are again gratified and honoured by the attendance of delegates from sister Bar Associations abroad, attesting the universal brotherhood and cosmopolitan spirit of the legal profession.

But for the first time, for some years, at all events, we also have with us as our guests, the Consul General of France, the Chief Magistrate of the City of Montreal, and the Presidents of the two bodies which represent and supervise the commercial interests of the metropolis.

To all these, on behalf of the Montreal Bar, I extend a cordial greeting.

It would be trite and commonplace to proclaim that the members of our Bar entertain a deep respect for the Judges of our Courts, and recognize gratefully their impartiality and devotion to duty.

It may, I think, be taken as the general opinion that as a body, our Judges are quite equal to their responsibilities and discharge them with credit and efficiency.

Nothing, it seems to me, is more worthy of remark at the beginning of the Twentieth Century, than the high esteem and veneration in which the Judicial office is still held by the public at large.

The predominant note in the life of the present day is undoubtedly the mercenary one.

The garish idolatry of the golden calf,—the idealization of wealth and material progress, and the exaggerated cult of physical contests and exercises may somewhat obscure the more modest claims of culture and learning and character and probity as elements in the make-up of a nation's greatness.

And, with respect to many human institutions there has been in recent times an appreciable decline in the regard which the public entertains for them.

There is a tendency to believe that public men generally have rather departed from the old standards of virtue and conduct, and implicit faith in purity of motive and rectitude of action can no longer be said to be universal.

But, the Judges are not subjected to the prevalent suspicion, and the Judicial office still maintains its ancient and honourable place in popular regard.

As a consequence, we find that not only are our Courts of Justice trusted and believed in, but, in addition to the ordinary work which tribunals are called upon to discharge, it has become the custom in modern times to resort to the Judicial body for the arbitrament of differences and disputes of infinite variety and magnitude—international, political, polemical, philosophical and municipal—the public evidently



feeling persuaded that the training of a Judge is the best equipment for such high and responsible office.

That this is the case, is most honorable to the profession from which the Judges spring, and creditable to the influence of the studies in which it engages.

But if, on the one hand, it is desirable and in the interest of the body politic that the Judges should deserve and enjoy the veneration and respect of the community generally, is not a correlative duty cast upon the State to sustain so necessary a department of the public service, and to surround it by every bulwark which can insure its permanence and stability and enable it to resist the corroding and vitiating influences to which, like all institutions in this commercial age, it is exposed?

May we then for a moment enquire, it with respect to our own Judges, the Dominion realizes and fulfils this obligation?

We know that the purchasing power of money is far from being to-day what it was fifty years since—that the cost of the necessities of life, not to speak of the luxuries, and the style and scale of expenditure of all classes of the community are much greater than they were—that the rate of compensation in other walks of life is vastly increasing—that the matters which come before the Courts for adjustment to-day are infinitely greater in importance and complexity than the more or less paltry agrarian quarrels which formed the bulk of the litigation fifty years since. These statements cannot be contradicted.

Under these circumstances, it does not seem to need a reference to such an elementary maxim as that the "labourer is worthy of his hire," to convince one that honesty and fair dealing—to put the matter on no higher grounds

—require an early re-adjustment of the scale of judicial salaries.

A more sordid and selfish reason might be suggested, and it might be urged upon the Statesmen who have the matter in charge that the public interest cannot be properly served if, in the administration of justice, those concerned labour under a feeling of injustice and resentment, conscious that their work is inadequately remunerated.

Let us hope that the ignoble parsimony which continues a glaring injustice may, before our next annual banquet, have been removed, and that Parliament will have listened to the blended appeals of fair play and self interest, and have established the emoluments of the judicial office on a scale commensurate with its dignity and the sacred duties attached to it.

I need make no apology for having referred to this familiar and family grievance in the presence of our guests, for no classes in the community are more deeply interested in the proper administration of justice than our municipal institutions and those who are concerned in our commerce and manufactures.

It is of vital import that the most inflexible independence should be displayed by our judges and even-handed justice dealt out to high and low, citizen and alien.

We are grateful for the countenance which the Board of Trade and La Chambre de Commerce have recently given to the efforts being made to remedy the existing grievances, and I feel persuaded that the Chief Magistrate of our City will, in view of the importance of the subject to his corporation, recognize that as no small share of the additional burdens of the Montreal Bench is due to the work

placed upon them by the City, it should endorse the justice of the application for redress.

The presence of our Mayor and of the two distinguished gentlemen who represent the Board of Trade and La Chambre de Commerce causes much gratification to the members of the Bar, and if for a moment we may look upon them as the incarnation of that important element without which neither we nor the Judges would be able to exist, namely "the clients," the toast to them will be received with additional fervor and enthusiasm.

The Bar, as a body, owes, even as a matter of self-protection, a duty towards the municipality within whose confines it practices its profession, though it is doubtful whether that duty is fully discharged.

A recent movement to transfer the control of a most important department of municipal government to an appointed commission involves, it seems to me, a pitiable and humiliating admission that representative institutions have to some extent broken down and that we are unable to govern ourselves properly.

The actual facts of the case might justify a pessimistic view, but before relinquishing all hope of improvement, under the present system, might it not be possible that in their corporate capacities—without reference to political proclivities—the Bar of Montreal, Chamber of Commerce, and the Board of Trade could, prior to our municipal elections, unitedly investigate the records and qualifications of those presenting themselves for municipal office and announce their conclusions to the citizens at large?

This would, result in a better class of municipal officers being secured. I throw the suggestion out for what it is worth.

I need hardly say that the Consul General of the French Republic is bound to be a cherished guest at any meeting of the Montreal Bar. We owe much to the nation he represents, and we English speaking advocates gladly claim our share of the debt.

We are indissolubly associated together, France and Canada, by our history, by our jurisprudence, and by the language and derivation of the great majority of the population of the Province.

And now let me again welcome the representatives of the American Bar Association and the New York State Bar Association.

The exchange of visits between us really constitutes the highest form of international reciprocity, and the foregathering together of men concerned in the practice of the law, is, I believe, one of the best auguries for the perpetuation of international concord.

I can personally avouch for the hospitality extended by the New York State Bar Association to your delegates. Let me say to our brethern from the United States, that they find in Montreal, not only the French speaking but the English speaking members of the Bar, thoroughly devoted to that system of law whose encomiums have been so eloquently pronounced this evening.

We practice the civil law contentedly and happily—nay, even enthusiastically, and in our view, it only requires familiarity with that body of jurisprudence, emanating from ancient Rome and percolating through the ages until crystallized by the commanding genius of Napoleon into a Code, to convince the impartial student of its superiority and excellence.

The presence of the French Consul General and of our American guests, suggests to me the thought that in the recent establishment of more friendly relations between our Mother Country and the two greatest of the world's republics, there may be found a most potent guarantee for the future peace of the world.

If France, the United States, and Great Britain were to devote a small proportion of the ingenuity now displayed in the invention and perfection of the enginery of death and devastation to the discovery and development of processes for the settlement of international disputes by pacific means, then indeed one might anticipate the millenium.

Is such a prospect—rendered more than ever inviting since the World's Congress of lawyers due to the American Bar Association—absolutely visionary?

Cannot we, as lawyers, American, French, English and Canadian, diffuse throughout our respective peoples, the desire and the resolution to deal with international difficulties as we now deal with individual differences, and submit them to the judgment of trained Jurists rather than have them depend upon the issue of bloody war?

Gentlemen, I give you the toast of "Our Guests."